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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/105,150	06/26/98	DONFRANCESCO	A 36087

023820 MM71/1129  
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EXAMINER	
NGANDJUI, A	
ART UNIT	PAPER NUMBER
	2833

DATE MAILED: 11/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 09/105,150	Applicant(s) Angelo T. Donfrancesco et al.
Examiner Antoine Ngandjui	Group Art Unit 2833

Responsive to communication(s) filed on May 26, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1, 4-16, and 18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 4-16, and 18 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balint in view of Paratte.

In regard to claims 1, 11, and 16, Balint discloses substantially the invention as claimed. Balint does not disclose a deformation being a stake formed in a second end of a shank and extending along a chord of the second end. Paratte teaches in figure 3, a deformation 13 being a stake formed in a second end of a shank and extending along a chord of the second end (see Column 2, lines 59-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the terminal of Balint by forming a deformation being a stake formed in a second end of a shank and extending along a chord of the second end as taught by Paratte to prevent the screw from backing out of the hole.

In regard to claim 4, Balint discloses in figure 2, a shank which is offset from a longitudinal axis.

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In regard to claim 5, Balint discloses in figure 2, a portion of an external thread forming the deformation which has a reduced width between adjacent crests.

In regard to claims 6, and 12, Balint discloses in figure 5, a backing plate 4 which has a central aperture 7.

In regard to claims 7, and 13, Balint discloses in figure 2, a backing plate which comprises a depending tab 13, and a terminal base which comprises an opening 2.

In regard to claims 8, and 14, Balint discloses in figure 2, a backing plate which comprises depending first and second tabs on opposite side edges, and the terminal base which comprises first and second openings.

In regard to claims 9, and 15, Balint discloses in figure 2, a terminal base which comprises a contact 41 extending therefrom.

In regard to claim 10, Balint discloses in figure 4, an external thread which has an axial length sustaining greater than an axial length of an internal thread.

In regard to claim 18, Balint discloses in figure 4, a shank which is placed within a central aperture of a backing plate before being threaded into the bore.

#### *Response to Arguments*

3. Applicant's arguments filed 5-26-2000 have been fully considered but they are not persuasive.

In response to the applicant's argument (page 2) that "the Paratte deformation 13 is not a stake in the circular end of a screw shank and does not teach or suggest modifying the non-

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analogous Balint wire terminal." Applicant's argument is correct in that Paratte does not show the end of the screw shank is staked. Figure 3 of Paratte is the best view for the examiner to show the stake portion along the chord. Paratte is relating to screw being used as securing means which is deemed analogous art and Balint teaches a deformation extending along the exterior longitudinal surface of the shank. The test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. The references can't be attack individually. It is very old or well known to use stake or cut-away chord on the screw as securing means. Applicant's attention is drawn to Column 2, lines 60-61.

In response to the applicant's argument (page 2) that "Paratte cut-away face 13 is not a stake formed in a second end of a shank and extending along a chord of the second end." However. In Column 2, lines 59-67, Paratte details the screw having a staked portion.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antoine Ngandjui whose telephone number is (703) 305-0069. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M.. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley, can be reached on (703) 308-2319. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

AN

November 21, 2000

*P Bradley*